

**5715. Adulteration and misbranding of evaporated apples. U. S. \* \* \*  
v. 599 Boxes of Evaporated Apples. Decree of condemnation and  
forfeiture. Good portion released on bond. Unfit portion de-  
stroyed. (F. & D. No. 7903. I. S. Nos. 11893-m, 11894-m. S. No. C-592.)**

On December 5, 1916, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 599 boxes of evaporated apples, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about November 6, 1916, by J. J. Welch, Clyde, N. Y., and transported from the State of New York into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged, in substance, in the libel for the reason that excessive moisture had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for evaporated apples, and for the further reason that it consisted in whole or in large part of a decomposed vegetable substance, and was moldy, sour, and worm-eaten, and unfit for use as food.

Misbranding of the article was alleged for the reason that it was in package form, and the packages failed to bear thereon any statement of the quantity of the product contained therein.

On December 13, 1916, the case having come on for hearing on the libel and the answer and claim of the said Joseph J. Welch, judgment of condemnation and forfeiture was entered, and it was ordered by the court that such portion of said apples as were found by a representative of this department to be susceptible of treatment, so as to make them fit for food, should be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, and that the unfit portion should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*